

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION	MDL No. 2419 Dkt. No. 1:13-md-2419 (FDS)
THIS DOCUMENT RELATES TO: All Actions	

**JOINT MOTION FOR ORDER TO SET BRIEFING SCHEDULE AND
REQUEST FOR ORAL ARGUMENT**

The Plaintiffs' Steering Committee (the "PSC") and counsel for the following parties: BKC Pain Specialists, LLC, Adil Katabay, M.D. and Nikesh Batra, M.D. (collectively, the "BKC Defendants"), conferred in order to establish a briefing schedule for the BKC Defendants' Motion to Dismiss Short Form Complaints. As a result, the parties have agreed to the following briefing schedule:

1. The BKC Defendants will file its Motion to Dismiss Short Form Complaints no later than **February 7, 2014**;
2. The PSC will file its Opposition to the Motion to Dismiss Short Form Complaints filed by the BKC Defendants no later than **March 7, 2014**;
3. The BKC Defendants will file a Reply to the PSC's Opposition to the Motion to Dismiss Short Form Complaints no later than **March 21, 2014**;
4. If necessary, the PSC may file a sur-reply to the Reply to the PSC's Opposition to the Motion to Dismiss Short Form Complaints filed by the BKC Defendants no later than **April 4, 2014**.

The parties respectfully request that the Court enter the attached order to formalize the above-described briefing schedule.

In addition, pursuant to Local Rule 7.1(d), the parties request that the Court reserve a date for oral argument of the above-referenced Motion to Dismiss.

Dated: February 7, 2014

Respectfully submitted,

/s/ Kimberly A. Dougherty

Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: (617) 933-1265
kdougherty@myadvocates.com

Plaintiffs' Steering Committee

Thomas M. Sobol
Kristen Johnson Parker
HAGENS BERMAN SOBOL SHAPIRO, LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
150 Fourth Avenue North, Suite 1650
Nashville, TN 37219
Telephone: (615) 313-9000
Facsimile: (615) 313-9965
ecabraser@lchb.com
mchalos@lchb.com
akmartin@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: (248) 557-1688
Facsimile: (248) 557-6344
marc@liptonlawcenter.com

Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: (540) 342-2000
pfennel@crandalllaw.com

Mark Zamora
ZAMORA FIRM
6 Concourse Way, 22nd Floor
Atlanta, GA 30328
Telephone: (404) 451-7781
Facsimile: (404) 506-9223
marc@markzamora.com

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSETTER, STRANCH & JENNINGS PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gerards@branstetterlaw.com

Plaintiffs' Steering Committee

Tory A. Weigand, BBO #548553
Anthony E. Abeln, BBO #669207
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210-1181
Telephone: (617) 439-7500
tweigand@morrisonmahoney.com
aabeln@morrisonmahoney.com

*Counsel for BKC Pain Specialists, LLC, Adil Katabay,
M.D. and Nikesh Batra, M.D.*

CERTIFICATE OF SERVICE

I, Kimberly A. Dougherty, hereby certify that I caused a copy of the foregoing *Joint Motion for Order to Set Briefing Schedule and Request for Oral Argument*, to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: February 7, 2014

/s/ Kimberly A. Dougherty
Kimberly A. Dougherty
BBO #658014

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

ORDER

On February 7, 2014, the Plaintiffs' Steering Committee and counsel for BKC Pain Specialists, LLC, Adil Katabay, M.D. and Nikesh Batra, M.D. (collectively, the "BKC Defendants") filed a Joint Motion for Order to Set Briefing Schedule and Request for Oral Argument (the "Motion"). The Court finds good cause for the Motion and hereby grants the Motion and orders as follows:

1. The BKC Defendants will file its Motion to Dismiss Short Form Complaints no later than **February 7, 2014**;
2. The PSC will file its Opposition to the Motion to Dismiss Short Form Complaints filed by the BKC Defendants no later than **March 7, 2014**;
3. The BKC Defendants will file a Reply to the PSC's Opposition to the Motion to Dismiss Short Form Complaints no later than **March 21, 2014**;
4. If necessary, the PSC may file a sur-reply to the Reply to the PSC's Opposition to the Motion to Dismiss Short Form Complaints filed by the BKC Defendants no later than **April 4, 2014**.
5. Oral argument of the subject motions is scheduled for _____.

So Ordered.

F. Dennis Saylor IV
United States District Judge

Dated: _____, 2014